

DELEGATION OF AUTHORITY

DATE: 2/22/17

CLEAN WATER ACT

2-85. Imminent and Substantial Endangerment

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authority contained in Delegation 2-85 issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to the Clean Water Act (CWA), including Section 311(e), and in accordance with Executive Order No. 12,777 (Oct. 18, 1991), as amended by Executive Order Nos. 13,286 (Feb. 28, 2003) and 13,638 (Mar. 15, 2013), to:

- a. determine that there is an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from a vessel or an onshore or offshore facility;
- b. provide notice, or cause notice to be provided to the affected state; and
- c. issue administrative orders or take other actions necessary to protect the public health and welfare.

2. TO WHOM REDELEGATED. The Director, Office of Site Remediation and Restoration (OSRR) and the Director, Office of Environmental Stewardship (OES), who may exercise this authority independently.

3. REDELEGATION AUTHORITY.

A. This authority may be redelegated to the Section Chief level or equivalent, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Director, OSRR and the Director, OES must obtain the advance concurrence of the Manager, Legal Enforcement Office, OES, or his/her designee, on the legal sufficiency of the action before exercising the authority in 1.B.c. The Manager, Legal Enforcement Office, OES, or his/her designee, may waive concurrence in writing.

B. The Director, OSRR, and the Director, OES, must consult with the Regional

ENVIRONMENTAL PROTECTION AGENCY
REGION I - BOSTON

CLASS. NO. 1200
DELEGATION 2-85

DELEGATION OF AUTHORITY

DATE: 2/22/17

Administrator (RA) and the Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA) before exercising the authorities in 1.B.a. and 1.B.c. The RA and the AA for OECA may waive consultation in writing.

C. Before exercising the authority in 1.B.c., a corresponding determination that there is an "imminent and substantial threat to public health or welfare" under CWA Section 311(e) must have been made under Section 1.B.a.

D. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Office of Human Resources, Office of Administration and Resource Management.

E. The AA for OECA must consult with the appropriate RA before exercising the authorities in 1.B.b. and 1.B.c.

F. The AA for the Office of Land and Emergency Management (OLEM) must consult with the appropriate RA before exercising the authorities in 1.B.a. and 1.B.b., and with the AA for OECA before exercising the authorities in 1.B.b. and 1.B.c. The AA for OECA may waive consultation in writing.

5. ADDITIONAL REFERENCES.

A. National Contingency Plan (40 C.F.R. Part 300).

B. For referral of the corresponding civil judicial enforcement actions to the U.S. Department of Justice, see the Chapter 2 delegations entitled *Civil Judicial Enforcement and Administrative Penalty Collection Actions* and *Emergency Temporary Restraining Orders*.

6. SUPERSESSON. EPA Region 1 Redlegation dated, September 29, 1995.



Deborah A. Szaro
Acting Regional Administrator

2/22/17
Date